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HOUSE BILL 653

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Jeff Steinborn

AN ACT

RELATING TO TERRORISM; PROHIBITING ACTS OF TERRORISM AND THE
USE OF WEAPONS OF MASS DESTRUCTION; PROVIDING AND INCREASING
PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-20A-1 NMSA 1978 (being Laws 1990,
Chapter 66, Section 1) is amended to read:

"30-20A-1. SHORT TITLE.--~~[This act]~~ Chapter 30, Article
20A NMSA 1978 may be cited as the "Antiterrorism Act"."

Section 2. Section 30-20A-2 NMSA 1978 (being Laws 1990,
Chapter 66, Section 2) is amended to read:

"30-20A-2. DEFINITIONS.--As used in the Antiterrorism
Act:

A. "act of terrorism" means an act of violence or
threat of violence that is or may reasonably be expected to be

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1 dangerous to human life or to cause property damage in excess
2 of twenty thousand dollars (\$20,000) and that is intended to
3 intimidate or coerce a civilian population or influence the
4 policy or conduct of a unit of government;

5 [A.] B. "civil disorder" means [any] a planned act
6 of violence by an assemblage of two or more persons with the
7 intent to cause damage or injury to another individual or [his]
8 the individual's property;

9 [B.] C. "destructive device" means:

10 (1) [any] an explosive, incendiary or poison
11 gas:

12 (a) bomb;

13 (b) grenade;

14 (c) rocket having a propellant charge of
15 more than four ounces;

16 (d) missile having an explosive or
17 incendiary charge of more than [~~one-quarter~~] one-fourth ounce;

18 (e) mine; or

19 (f) similar device;

20 (2) [any] a type of weapon that can expel or
21 may be readily converted to expel a projectile by the action of
22 an explosive or other propellant, the barrel or barrels of
23 which have a bore of more than six-tenths inch in diameter,
24 except a shotgun, shotgun shell or muzzle loading firearm that
25 is generally recognized as particularly suitable for sporting

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1 purposes; [~~or~~]

2 (3) a radiological, nuclear, chemical or
3 biological agent, including a virus, bacteria or other germ,
4 capable of causing illness or death in people, animals or
5 plants; or

6 [~~(3) any~~] (4) a part or combination of parts
7 either designed or intended for use in converting or assembling
8 any device described in Paragraphs (1) and (2) of this
9 subsection.

10 The term "destructive device" [~~shall~~] does not include
11 [~~any~~] a device that is neither designed nor redesigned nor
12 readily convertible for use as a weapon;

13 [~~C.~~] D. "firearm" means [~~any~~] a weapon that can
14 expel or is designed to or may readily be converted to expel a
15 projectile by the action of an explosion, the frame or receiver
16 of any such weapon, [~~any~~] a firearm muffler or firearm
17 silencer. "Firearm" includes [~~any~~] a handgun, rifle or
18 shotgun; [~~and~~]

19 [~~D.~~] E. "law enforcement officer" means [~~any~~] an
20 employee of a police, [~~or~~] public safety department or agency
21 charged with prevention or response to an act of terrorism
22 administered by the state or [~~any~~] a political subdivision of
23 the state where the employee is responsible for the prevention
24 and detection of crime and the enforcement of the penal,
25 traffic or highway laws of this state. "Law enforcement

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1 officer" includes [~~any~~] a member of the New Mexico national
2 guard; [~~any~~] a peace officer of the United States, [~~any~~] a
3 state, [~~any~~] a political subdivision of a state or the district
4 of Columbia; [~~any~~] a member of the New Mexico mounted patrol or
5 the national guard, as defined in 10 U.S.C. Sec. 101(9); [~~any~~]
6 a member of the organized militia of [~~any~~] a state or territory
7 of the United States, the commonwealth of Puerto Rico or the
8 district of Columbia not included within the definition of
9 national guard; and [~~any~~] a member of the armed forces of the
10 United States. "Law enforcement officer" also means [~~any~~] a
11 person or entity acting as a contractor for any other law
12 enforcement officer, police or public safety department
13 described in this section; and

14 F. "weapon of mass destruction" means any device
15 capable of releasing a radioactive, biological, toxic or
16 chemical agent in any form or by any means that will or may
17 reasonably be expected to produce death, bodily harm or illness
18 in a civilian population or to destroy an agricultural crop,
19 livestock or a food supply."

20 Section 3. Section 30-20A-3 NMSA 1978 (being Laws 1990,
21 Chapter 66, Section 3) is amended to read:

22 "30-20A-3. UNLAWFUL ACTS--PENALTY.--

23 A. [~~Any~~] A person who teaches or demonstrates the
24 use, application or making of [~~any~~] a knife, box cutter or
25 similar device, a firearm, destructive device, weapon of mass

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1 destruction or technique capable of causing injury or death to
2 any person with the intent that the knowledge or skill taught,
3 demonstrated or gained be [~~unlawfully~~] used in furtherance of a
4 civil disorder, act of terrorism or the use or threatened use
5 of a weapon of mass destruction is guilty of a [~~fourth~~] third
6 degree felony [~~and shall be sentenced under the provisions of~~
7 ~~the Criminal Sentencing Act to imprisonment for a definite term~~
8 ~~of eighteen months or, in the discretion of the sentencing~~
9 ~~court, to a fine of not more than five thousand dollars~~
10 ~~(\$5,000) or both~~].

11 B. [~~Any~~] A person who trains, practices or receives
12 instruction in the use of [~~any~~] a knife, box cutter or similar
13 device, a firearm, destructive device, weapon of mass
14 destruction or technique capable of causing injury or death to
15 any person with the intent that the knowledge or skill taught,
16 demonstrated or gained be [~~unlawfully~~] used in furtherance of a
17 civil disorder, act of terrorism or the use or threatened use
18 of a weapon of mass destruction is guilty of a [~~fourth~~] third
19 degree felony [~~and shall be sentenced under the provisions of~~
20 ~~the Criminal Sentencing Act to imprisonment for a definite term~~
21 ~~of eighteen months or, in the discretion of the sentencing~~
22 ~~court, to a fine of not more than five thousand dollars~~
23 ~~(\$5,000) or both~~].

24 C. Whoever commits an act of terrorism or uses a
25 weapon of mass destruction is guilty of a first degree felony.

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1 D. Prosecution pursuant to this section does not
2 prevent prosecution pursuant to another provision of law if the
3 conduct also constitutes a violation of that provision of law."

4 Section 4. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2007.

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